

Part 528 – Agricultural Conservation Easement Program

Subpart B – ACEP Responsibilities

528.10 Responsibilities

A. NRCS

NRCS has overall leadership for ACEP and the repealed easement programs considered enrolled in ACEP, including FRPP, FPP, GRP, WRP, and EWRP. NRCS is responsible for establishing regulations, policies, guidelines, and priorities for ACEP implementation, funding, and long-term monitoring and enforcement.

B. National Headquarters (NHQ) – Chief of NRCS

National leadership is provided by the Chief of NRCS (Chief) and the Chief's designee. The Chief oversees all responsibilities of NRCS, including the delegation of authorities and responsibilities as appropriate. The Chief reserves decisionmaking on any ACEP matter delegated to lower organizational levels. The Chief also retains certain decisionmaking responsibilities that may not be further delegated, these include but are not limited to—

- (i) Waivers of regulatory provisions.
- (ii) Termination of all or a portion of an ACEP easement as a result of an approved easement administration action.
- (iii) ACEP-WRE only: Waiver of the 24-month ownership requirement for specific circumstances.
- (iv) ACEP-ALE only: Decertification of a certified entity.

C. NHQ, Deputy Chief for Programs

The Deputy Chief for Programs reserves decisionmaking on any ACEP matter within the Programs Deputy area, even if delegated to lower organizational levels, and oversees all responsibilities of the Easement Programs Division (EPD). The Deputy Chief for Programs retains certain decision making responsibilities that cannot be further delegated. These include but are not limited to—

- (i) Waivers of policy provisions not delegated to the State Conservationist.
- (ii) ACEP-ALE: Determinations on eligible entity requests to use a valuation methodology other than USPAP or UASFLA.
- (iii) Other responsibilities delegated by the Chief.

D. NHQ, Easement Programs Division

Within NHQ, responsibilities delegated to the EPD director include but are not limited to—

- (i) Developing and maintaining regulations, policies, guidelines, and procedures to meet the program requirements, purposes, and goals and ensuring that they are carried out.
- (ii) Formulating budget information, calculating apportionment requests, developing allocations of ACEP funds to achieve national program objectives, and tracking implementation.
- (iii) Monitoring and assisting with program implementation in accordance with ACEP requirements.
- (iv) Developing, revising, and maintaining functionality of the National Easement Staging Tool (NEST) as the national ACEP database.

- (v) Coordinating and developing program outreach material and promoting outreach to potential partners and eligible landowners.
- (vi) Providing training and oversight to ensure program policy and goals are met.
- (vii) Developing national ranking criteria and procedures used by the States to evaluate individual proposals or applications.
- (viii) Reviewing and approving easement compensation procedures and values.
- (ix) Coordinating with the Office of the General Counsel to ensure the legal sufficiency of program regulations, policies, procedures, and forms.
- (x) Coordinating with the Farm Service Agency (FSA) and other national partners.
- (xi) ACEP-ALE only:
 - Developing and publishing template cooperative agreements and minimum deed requirements and terms for ACEP-ALE implementation.
 - Establishing criteria for eligible entity certification, maintaining a list of certified and decertified entities, providing support to States and Regional Conservationists in review of entity certification request packages.
- (xii) ACEP-WRE only:
 - Developing and publishing template ACEP-WRE warranty easement deeds and 30-year contracts with Tribes.
 - Determining reduction in the value of retained grazing rights.
 - Reviewing and approving exhibit E's for Reservation of Grazing Rights.
- (xiii) Reviewing obligations and payment records submitted in accordance with the internal controls process.
- (xiv) Coordinating with the Financial Management, national service delivery teams, and the National Finance Center, where necessary, on obligation and payment issues.
- (xv) Assisting States with easement enforcement and violation issues.
- (xvi) Reviewing and making final determinations on easement administration action requests, with the exception of easement terminations.
- (xvii) Other responsibilities as delegated by the Chief or Deputy Chief for Programs.

E. NHQ, Regional Conservationists (RCs)

The RCs are responsible for those activities as designated by the Chief or the Deputy Chief for Programs, including—

- (i) Providing leadership to the States regarding administrative procedures.
- (ii) Evaluating consistency between the States and coordinate across the regions regarding administrative procedures.
- (iii) Evaluating overall program effectiveness at the State and regional level and coordinate across regions.
- (iv) Providing oversight and quality assurance of program implementation at the State, area, and field levels.
- (v) Providing oversight to ensure program goals are met and ensuring outreach to all potential program partners and eligible landowners.
- (vi) Reviewing and providing final approval of eligible entity certification requests under ACEP-ALE.
- (vii) Reviewing cooperative agreements or grant agreements that exceed the State Conservationist's approval authority or the prescribed dollar amount and providing delegations of authority for approved agreements.
 - Review thresholds change periodically and may vary according to the agreement type or contracting method used.
 - Agreements requiring review may include, but are not limited to, ACEP-ALE cooperative agreements with eligible entities, ACEP-ALE grant agreements with

certified eligible entities, or ACEP-WRE cooperative agreements to provide services such as surveys, restoration design and implementation, and monitoring;

Note: ACEP-WRE agreement to purchase conservation easement (APCE) or agreement to enter contract for 30-year land use (AECLU) are subject to internal control review but are not subject to cooperative agreement review by the RCs.

- (viii) Reviewing periodic summary reports from States on various program implementation matters, including, but not limited to—
 - Contract and agreement status.
 - 24-month waiver requests.
 - Fund obligation.
 - Easement closings.
 - Restoration implementation.
 - Easement monitoring.
 - ACEP-ALE only: Eligible entity cash contribution waivers for projects of special significance.
- (ix) ACEP-ALE only:
 - Addressing the concerns of eligible entities with the States' administration of ACEP in coordination with the Deputy Chief for Programs.
 - Reviewing ACEP-ALE entity certification request packages submitted by the State Conservationist, approving or rejecting requests for certification, and notifying the requesting entity, the State Conservationist, and Deputy Chief for Programs of the determination.
- (x) Other responsibilities delegated by the Chief or by this part.

F. NHQ, Deputy Chief for Management

The Deputy Chief of Management provides national leadership for—

- (i) Providing expertise and support for ACEP-related contracts and agreements.
- (ii) Providing information technology support for approved software for ACEP.
- (iii) Issuing funds in the financial management system to State Conservationists for system allocations, reallocations, and modifications when approved by the Chief or Associate Chief.
- (iv) Maintaining fund accountability and accounting procedures.
- (v) Providing budget, contracting, obligation, payment, agreement, reimbursable and other financial management and acquisition assistance through the national service delivery teams and at NHQ.
- (vi) Other responsibilities delegated by the Chief.

G. State Offices, State Conservationist

- (1) State leadership is provided by the State Conservationist who is ultimately responsible to ensure programs are implemented at the State level in accordance with applicable statutes, regulations, and policies. The State Conservationist may delegate certain program responsibilities and functions to the State, area, and field offices and other staff within the State. The State Conservationist oversees all responsibilities of program activities within the State.
- (2) The State Conservationist retains certain responsibilities that may not be further delegated. These responsibilities include but are not limited to the following:
 - (i) Serve as chairperson of the State Technical Committee (STC)

- (ii) Delegate in writing responsibilities and approval authorities to the State and local level as needed to carry out State-level responsibilities that are not strictly limited to the State Conservationist

Note: The State Conservationist designates the local NRCS representatives. Any NRCS employee or group of employees serving on an interdisciplinary team may function as the local NRCS representative.

- (iii) Make waiver decisions for land, landowner, and entity eligibility, where appropriate and where delegated to the State Conservationist, such as—
 - ACEP-WRE only: 24-month ownership waiver requests for circumstances delegated to the State Conservationist.
 - ACEP-ALE only: eligible entity cash contribution waiver requests for projects of special significance.
- (iv) Select applications for funding, execute easement agreements on behalf of the United States, and authorize the expenditure of easement funds to eligible participants for the acquisition of easements on eligible land through properly executed documents
- (v) Maintain program fund integrity and accountability
- (vi) Monitor and manage program allocations and accounts consistent with allocation letters and all subsequent directives
- (vii) Certify completeness of easement data in the NEST.
- (viii) Ensure easements remain in compliance and required monitoring, enforcement, and remediation actions are taken pursuant to rights and interests held by the United States and certify that easement condition is reported annually in NEST for all closed easements
- (ix) Make decisions to recommend or not approve easement administrative action requests. If approval is recommended, forward to EPD through the State Conservationist; if approval is not recommended, notify the project proponent, landowner and EPD of decision
- (x) Implement a quality assurance program to ensure that program policies and objectives are met
- (xi) Ensure self and staff have necessary skills and training to administer easement programs
- (xii) ACEP-ALE only:
 - Make decisions on acceptability of alternative legal access for ACEP-ALE, as necessary.
 - Review eligible entity requests for certification and make decision to recommend for approval or to deny the request.
 - Notify RCs, Deputy Chief for Programs, and Chief of potential decertification actions and forward all required information
- (xiii) ACEP-WRE only:
 - Review and approve determinations regarding compatible use authorization (CUA) requests (this particular authority is an exception to this list and may be delegated, but only to the Assistant State Conservationist with easement programs responsibility)
- (xiv) Other responsibilities delegated to the State Conservationist by the Chief or RCs

H. State Offices, State-Level Staff.—ACEP responsibilities delegated to the State-level easement programs staff (State office) by the State Conservationist may include but are not limited to the following:

- (1) General Program Responsibilities
 - (i) Accept applications on a continuous basis, announce availability of program funds and applicable cutoff dates, conduct outreach and signups, and process applications

- (ii) Assist potential participants, including entities and landowners, in submitting proposals or applications
 - (iii) Complete land, landowner, and applicable entity eligibility determinations
 - (iv) Develop a weighted ranking process to prioritize all eligible applications, conduct ranking on eligible applications, and recommend prioritized eligible applications for funding
 - (v) Obtain advice from the STC in establishing State-level program priorities, policies, procedures, guidelines and matters of discretion delegated to the State Conservationist (e.g., reductions in prime farmland requirements for an area of the State and exceptions to riparian length, width, and upland buffer sizes)
 - (vi) Obtain input from the U.S. Fish and Wildlife Service and other Federal and State-level agencies, as necessary
 - (vii) Ensure necessary onsite visits occur to complete ranking, land eligibility determinations, certificates of inspection and possession, landowner interviews, the NRCS hazardous materials field inspection checklist, NRCS hazardous materials landowner interview, and any other required documents prior to required deadlines
 - (viii) Establish easement compensation values, including obtaining fair market values or reviews from qualified professionals as required
 - (ix) Ensure implementation, administration and management of easements complies with Federal environmental and historic preservation laws
 - (x) Develop, upload, and maintain required application and agreement information in the easement tracking tool (NEST) and submit, as requested to NHQ
 - (xi) Submit information supplemental to the data provided in NEST as requested by NHQ that identifies resources concerns, conservation priorities, demand, capacity, and other criteria used to determine fund allocations
 - (xii) Provide and obtain necessary training to implement the program effectively and in accordance with applicable statutes, regulations, and policies
 - (xiii) Coordinate with adjoining States on—
 - Establishment of easement compensation values
 - Technical standards and specifications used for restoration
 - Priorities and procedures for program implementation
 - Sharing personnel resources where needed
 - Establishing ranking criteria
 - (xiv) Develop agreements with other Federal agencies, State agencies, and other partners for the efficient use of personnel and other resources, including leveraging technical assistance to meet the ACEP workload demand and achieve valuable cost-effective conservation projects
 - (xv) Maintain high quality conservation treatment implementation
 - (xvi) Develop State protocol for monitoring enrolled lands and monitor ACEP easements in accordance with 440-CPM, Part 527, Subpart P
 - (xvii) Review requests for easement administration action as provided in this part, providing findings and recommendation to State Conservationist for action
 - (xviii) Maintain official easement case files in secure, fireproof cabinets in the State office and maintain other official program records and documentation as appropriate
 - (xix) Prepare necessary State policy supplements to the national policy
 - (xx) Provide periodic status reports to the RCs or EPD as requested
 - (xxi) Other activities as delegated by the State Conservationist
- (2) ACEP-ALE Activities and ACEP-ALE Cooperative Agreements and Grant Agreements
- (i) Use the template ACEP-ALE cooperative agreement for noncertified eligible entities and the ACEP-ALE grant agreement for certified eligible entities provided by NHQ to

- obligate ACEP-ALE funds, to ensure consistent and equitable implementation of ACEP-ALE, and coordinate with NHQ if the eligible entity requests modifications to its terms
- (ii) Manage ACEP-ALE agreements as the agency's representative of the Commodity Credit Corporation with the selected eligible entities in accordance with regulation and policy
- (iii) Maintain the NEST database of the applications, substitute parcels, enrolled parcels in signed ACEP-ALE agreements, acquired parcels, and easement monitoring efforts
- (iv) Assist eligible entities to ensure that an appropriate agricultural land easement plan is developed and implemented for every ACEP-ALE parcel
- (v) Obtain a hazardous materials records search and conduct the landowner interview and an onsite field inspection of the parcel prior to or within 120 days of signing the ACEP-ALE agreement
- (vi) For cooperative agreements with noncertified eligible entities, review the agricultural land easement deed used by the eligible entity to ensure it contains the ACEP-ALE minimum deed terms as required by the cooperative agreement (the review should be conducted prior to submitting the deed to EPD for approval, if required)
- (vii) For all applications selected for funding, confirm that the landowner has clear title and sufficient access and that the easement area does not have any onsite or offsite issues that would preclude or interfere with achieving program purposes, and ensure the eligible entity has addressed any unacceptable encumbrances to NRCS satisfaction
- (viii) Monitor certified entities for compliance with ACEP-ALE requirements, conduct quality assurance reviews of ACEP-ALE easement transactions and monitoring, provide entities with notice of required remedies if issues identified, follow procedures for remediation or decertification, and report potential violations of ACEP-ALE certification requirements to State Conservationist and EPD
- (ix) Monitor eligible entity monitoring and administration of ACEP-ALE-funded easements, and follow up to ensure easement enforcement activities are pursued where needed
- (3) ACEP-WRE Activities
 - (i) Develop and submit to EPD easement compensation procedures, values, and rationale every fiscal year, including establishing geographic area rate caps with advice from the STC
 - (ii) Provide information to appraisers or other qualified real estate professionals needed to conduct individual appraisals or areawide market analysis
 - (iii) Conduct all easement acquisition activities on applications selected for funding, including confirming that the landowner has clear title and sufficient access and that the easement area does not have any onsite or offsite issues that would preclude or interfere with achieving program purposes
 - (iv) Coordinate with FSA, including notification of ACEP-WRE enrollment, to track county cropland caps and ensure permanent retirement of any existing cropland base acres for the land on which the easement has been obtained when WRE recording is completed
 - (v) Determine method for implementing restoration activities and ensure restoration is completed in accordance with ACEP policy and arrange for restoration payments to landowners, partners, or vendors
 - (vi) Ensure conservation treatment is in accordance with NRCS specifications and the Field Office Technical Guide (FOTG) and all planning activities are in accordance with the Title 180, National Planning Procedures Handbook (NPPH), Part 600, and this manual
 - (vii) Determine areas for the reservation of grazing rights option if applicable
 - (viii) Develop and submit to EPD for approval the exhibit E documents for the reservation of grazing rights option
- (4) Obligations and Payments
 - (i) Ensure that the ACEP compensations rates do not exceed program limits

- (ii) Coordinate with the appropriate national service delivery teams to procure services, execute contracts or agreements, obligate funds, and issue payments
- (iii) Ensure that all landowners are adjusted gross income (AGI) and highly erodible land/wetland conservation (HEL/WC) eligible for the required year; AGI and HEL/WC eligibility must be verified prior to obligation, and for HEL/WC again prior to every payment
- (iv) Prior to obligation and prior to every payment, ensure that all program participants that are entities provide evidence of a valid Dun and Bradstreet Data Universal Numbering System (DUNS) number and meets the Central Contractor Registration (CCR) requirements through registration or renewal in the System for Award Management (SAM) or successor registry
- (v) Conduct State-level easement acquisition internal control reviews for easement obligations and payments, and prepare and submit packages to EPD for reviews of obligations and payments above the state threshold
- (vi) Manage funds obligated to agreements, track financial obligations and outlays, and provide financial reports

I. Area Offices

Area offices will perform responsibilities for ACEP as delegated by the State Conservationist.

J. Field Offices

Field offices will perform responsibilities for ACEP as delegated by the State Conservationist. Responsibilities of the designated conservationists (DCs) or the local NRCS representative, as determined by the State Conservationist, may include but are not limited to—

- (i) Conducting local marketing, education, and outreach activities.
- (ii) Accepting ACEP applications and complete application activities as defined by State Conservationist.
- (iii) Completing program eligibility determinations, especially technical and onsite land eligibility determinations, in accordance with the provisions in this part.
- (iv) Completing ranking form and certifying the project meets program objectives.
- (v) Forwarding application, ranking, and supporting documentation to the State office.
- (vi) Conducting onsite visits to complete environmental due diligence, certificates of inspection and possession, landowner interviews, onsite eligibility determinations to verify the absence of offsite and onsite conditions that would preclude successful achievement of program objectives.
- (vii) Conducting easement acquisition, restoration, monitoring, and management activities, as assigned by the State Conservationist.
- (viii) Completing all conservation planning activities in accordance with the National Environmental Policy Act (NEPA) of 1969, 180-NPPH, and this manual.
- (ix) Providing the landowner technical assistance to comply with the terms of easement and restoration agreements.
- (x) Conducting monitoring activities in accordance with the provisions of this part and 440-CPM, Part 527, Subpart P.
- (xi) Maintaining ACEP records and reports sufficient for monitoring and compliance purposes.
- (xii) Advising State office of potential violations, compliance and enforcement issues.
- (xiii) Coordinating with FWS, State wildlife agency, State agriculture agency, conservation district (CD), and other appropriate agencies, organizations, or cooperating partners to provide program outreach; administration assistance; input on restoration of the

hydrologic, topographic, and vegetative conditions of enrolled land; and protection of functions and values of enrolled acres consistent with program purposes

(xiv) ACEP-ALE

Assist with development of or reviewing the agricultural land easement plan as identified in the ALE cooperative agreement

(xv) ACEP-WRE

- Meeting onsite with the landowner and surveyor to identify the easement area and access route, certifying that easement or contract boundary survey is correct, and verifying boundary markers have been correctly placed
- Completing the preliminary and final wetland reserve plan of operations (WRPO) including detailed practice designs and cost estimates
- Arranging for the application of conservation practices and activities to ensure that practices meet standards and specifications in the eFOTG
- Certifying practice establishment for payment
- At the time of ACEP-WRE easement enrollment, providing FSA county office notice of location and acreage of the enrollment for the purposes of tracking county cropland limitations
- At the time of ACEP-WRE easement recording, providing FSA county office notification of easement recording, including easement recording date and easement boundary map, and acreage and location information
- Developing compatible use authorization requests for ACEP-WRE, and updating the final WRPO and associated management plans as appropriate

K. ACEP-WRE Implementation Teams

- (1) ACEP-WRE Implementation Teams may be established by State Conservationists to improve the consistency and efficiency of ACEP implementation. These teams will perform responsibilities for ACEP, as delegated by the State Conservationists.
- (2) Multistate ACEP teams may be developed to perform ACEP duties across State lines.

L. All NRCS Employees

NRCS employees are prohibited from servicing ACEP easements or associated agreements on land owned by the employee or members of the employee's immediate family, on land in which they or members of their immediate families have a financial interest, or where there is an appearance of or actual conflict of interest. In these situations, the State Conservationist will designate an NRCS employee to provide assistance (see Title 110, General Manual, Part 405).

528.11 Other Agency Involvement

A. Office of the General Counsel (OGC) Responsibilities

- (1) The national OGC assists NRCS with ACEP implementation by—
 - (i) Assisting with easement deed reviews as requested by NRCS National Headquarters.
 - (ii) Advising NRCS about merits of conservation easement administration action requests.
 - (iii) Advising NRCS on issues that impact program implementation.
 - (iv) Advising on any other matters of ACEP implementation as deemed appropriate by NRCS or OGC.
- (2) The regional OGC assists NRCS with ACEP implementation by—
 - (i) Reviewing sufficiency of title evidence related to each ACEP-WRE easement transaction and rendering preliminary and final title opinions.

- (ii) Advising NRCS State offices on easement deed recording requirements, activities needed to implement approved easement administration actions.
- (iii) Advising NRCS State offices on enforcement of easement terms, and actions or issues that impact program implementation.

B. Farm Service Agency Responsibilities

FSA is responsible for the following:

- (i) Coordinating with NRCS
- (ii) Determining AGI and HEL/WC eligibility
- (iii) Providing maps and additional supporting data when requested at the State and local levels
- (iv) Serving on the STC
- (v) Implementing any support or administrative responsibilities determined jointly by NRCS and FSA at NHQ
- (vi) ACEP-WRE:
 - Assisting the landowner in completing the necessary FSA forms to retire or transfer program base acres
 - Adjusting participant's base history, as required, using the easement boundary maps, acreage and location information provided by NRCS upon easement recording
 - At the State level, informing the State Conservationist of those counties that are approaching or exceeding the Conservation Reserve Program (CRP) or ACEP-WRE county cropland limitations, ACEP-WRE easement limitations, or both

C. National Finance Center (NFC) Responsibilities.—The National Finance Center assists NRCS with ACEP implementation by—

- (1) Verifying the NRCS certifying authorizing officer's signature
- (2) Making payment based on the NRCS payment certification forms.
- (3) Interfacing the payment data to NRCS.
- (4) Contacting the NRCS-Commodity Credit Corporation liaison for action when discrepancies arise with payment certification.
- (5) Entering payment information in NFC's financial system.

D. U.S. Fish and Wildlife Service.—FWS is identified in ACEP-WRE statutory and regulatory provisions as an integral partner to ACEP-WRE implementation. NRCS will include FWS in the following as applicable:

- (1) Participating in the STC
- (2) Assisting NRCS with land eligibility determinations after applications have been received
- (3) Assisting NRCS in restoration planning so that easement lands achieve maximum wildlife benefits and wetland values and functions, taking into consideration the cost of such restorations
- (4) Incorporating consultation responsibilities under section 7 of the Endangered Species Act with ACEP-WRE consultation actions
- (5) Providing recommendations for NRCS consideration regarding the timing, duration, frequency, and intensity of compatible uses so that these uses further the protection and enhancement of the wetlands and other associated ecological values of the easement lands
- (6) Providing recommendations for NRCS consideration for development of easement management plans, including grazing management plans developed under the reservation of grazing rights enrollment option
- (7) Providing assistance, through an appropriate agreement or other mechanism, in areas of ACEP-WRE implementation where it is in the best interest of the program (e.g., efforts to

deliver ACEP-WRE restoration projects in cooperation with FWS Partners for Fish and Wildlife Program efforts)

(8) Reviewing request for easement administration action, as part of the NEPA process

E. Other Federal, State, and Cooperating Partners

Other Federal agencies, State wildlife or agricultural agencies, conservation districts, and other entities with appropriate expertise may—

- (i) Provide recommendations for ranking priority criteria, except if such partner is seeking or will seek financial assistance through ACEP, it may not provide recommendations on ACEP ranking priority criteria.
- (ii) Serve on the STC.
- (iii) Identify program opportunities.
- (iv) Provide assistance, through an appropriate agreement or other mechanism, in areas of ACEP implementation where NRCS determines it to be in the best interest of the program.

528.12 Role of State Technical Committee

A. About the STC

The State Conservationist must fully consider the recommendations of the STC, but is not bound by these recommendations when establishing State-level program procedures, guidelines, or priorities. The STC (see 7 CFR Part 610, Subpart C) is:

- (i) Chaired by the State Conservationist and serves in an advisory capacity in accordance with Title 440, Conservation Programs Manual, Part 501, Subpart B, and the policy set forth here; and
- (ii) Composed of agricultural producers, nonindustrial private forest land owners, and other professionals that represent a variety of disciplines in soil, water, wetlands, plant, and wildlife sciences, the STC provides the State Conservationist with technical information, analysis, and recommendations regarding implementation of the ACEP.

B. State Technical Committee Responsibilities.—The STC provides recommendations on the following matters:

- (1) Developing and updating State ranking criteria and procedures
- (2) Identifying priority resource concerns or land treatment areas to focus program implementation at the State level
- (3) Other technical issues, which may include but are not limited to operation and maintenance criteria, easement management, and long-term monitoring procedures
- (4) ACEP-ALE

Recommending additional land eligibility or prioritization parameters to focus ALE enrollment in highest priority areas of the State

(5) ACEP-WRE

- (i) Recommending a list of eligible practices for ACEP-WRE
- (ii) Reviewing proposed geographic area rate caps for use in determining ACEP-WRE easement compensation values
- (iii) Evaluating unique wetland complexes within the State to determine if they are consistent with ACEP-WRE national eligibility criteria. Examples of unique wetland complexes include but are not limited to pocosins, prairie potholes, playas, vernal pools, fens, bogs, or ridge, and swale floodplain complexes

- (iv) Identifying areas of consideration for reservation of grazing rights option of ACEP-WRE, if applicable
- (v) Establishing guidelines for authorization of compatible uses on ACEP-WRE easements

C. Specialized Subcommittees

- (1) The State Conservationist may convene a specialized subcommittee of the STC to assist and make recommendations in the development of State ranking criteria. In the case of a specialized subcommittee, public notification and participation are not necessary. However, final recommendations resulting from these subcommittee sessions may only be made in a general session of the STC where the public is notified and invited to attend.
- (2) Representatives of any individual or entity that has an interest in a particular project who serves on the STC may not assist in the development of ranking criteria or weight assignment to ranking criteria that will be applied to their project.